



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

JAMES SMITH,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 6:19-cv-1554-MGL
	§	
ANDREW SAUL,	§	
Commissioner of Social Security	§	
Administration,	§	
Defendant.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
REVERSING DEFENDANT’S DECISION TO DENY BENEFITS,
AND REMANDING THE MATTER TO THE DEFENDANT**

This is a Social Security appeal in which Plaintiff James Smith seeks judicial review of the final decision of Defendant Andrew Saul (Saul) denying his claims for Disability Insurance Benefits and Supplemental Security Income. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Saul’s decision be reversed pursuant to sentence four of 42 U.S.C. § 405(g) and the case be remanded to him for further consideration as discussed in the Report. The Magistrate Judge filed the Report in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 2, 2020, and Saul filed a reply on September 10, 2020, stating he would not be filing any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Saul’s decision is **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g) and that the case is **REMANDED** to him for further consideration as discussed in the Report.

IT IS SO ORDERED.

Signed this 1st day of October, 2020, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE